

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

DERRICK JAMES FRANKLIN,

Petitioner,

v.

RICK HILL, Warden,

Respondent.

No. 2:20-cv-02382 GGH P

ORDER

It appears from the Petition that petitioner is attempting to litigate two separate proceedings in one habeas proceeding. One issue concerns a post-conviction change in the law (Proposition 57), and the second issue appears to challenge due process (lack of meaningful notice) related to his conviction itself.

The Clerk of Court is directed to open a new separate habeas action and file the petition for writ of habeas corpus (ECF No. 1) and motion to proceed in forma pauperis (ECF No. 2) in the new

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1 action. This new action shall address the Proposition 57 issue only. The due process issue shall
2 remain to be adjudicated in this action. The new habeas action shall further be assigned to the
3 undersigned.

4 IT IS SO ORDERED.

5 Dated: February 11, 2021

6 /s/ Gregory G. Hollows
7 UNITED STATES MAGISTRATE JUDGE
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